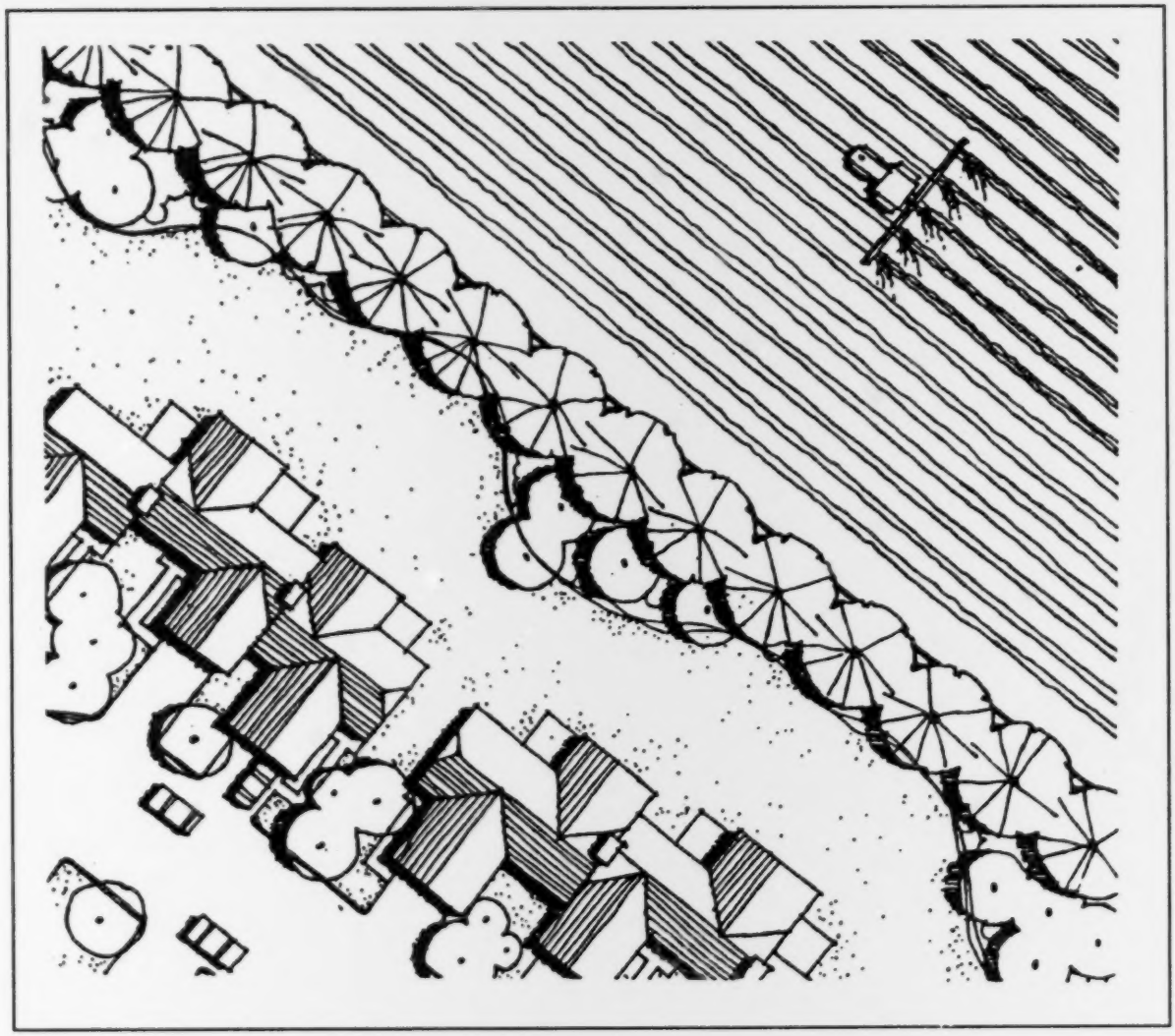
SUBDIVISION NEAR AGRICULTURE

..... a Guide for Approving Officers



Provincial
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Commission

BRITISH COLUMBIA

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Fisheries and Food**

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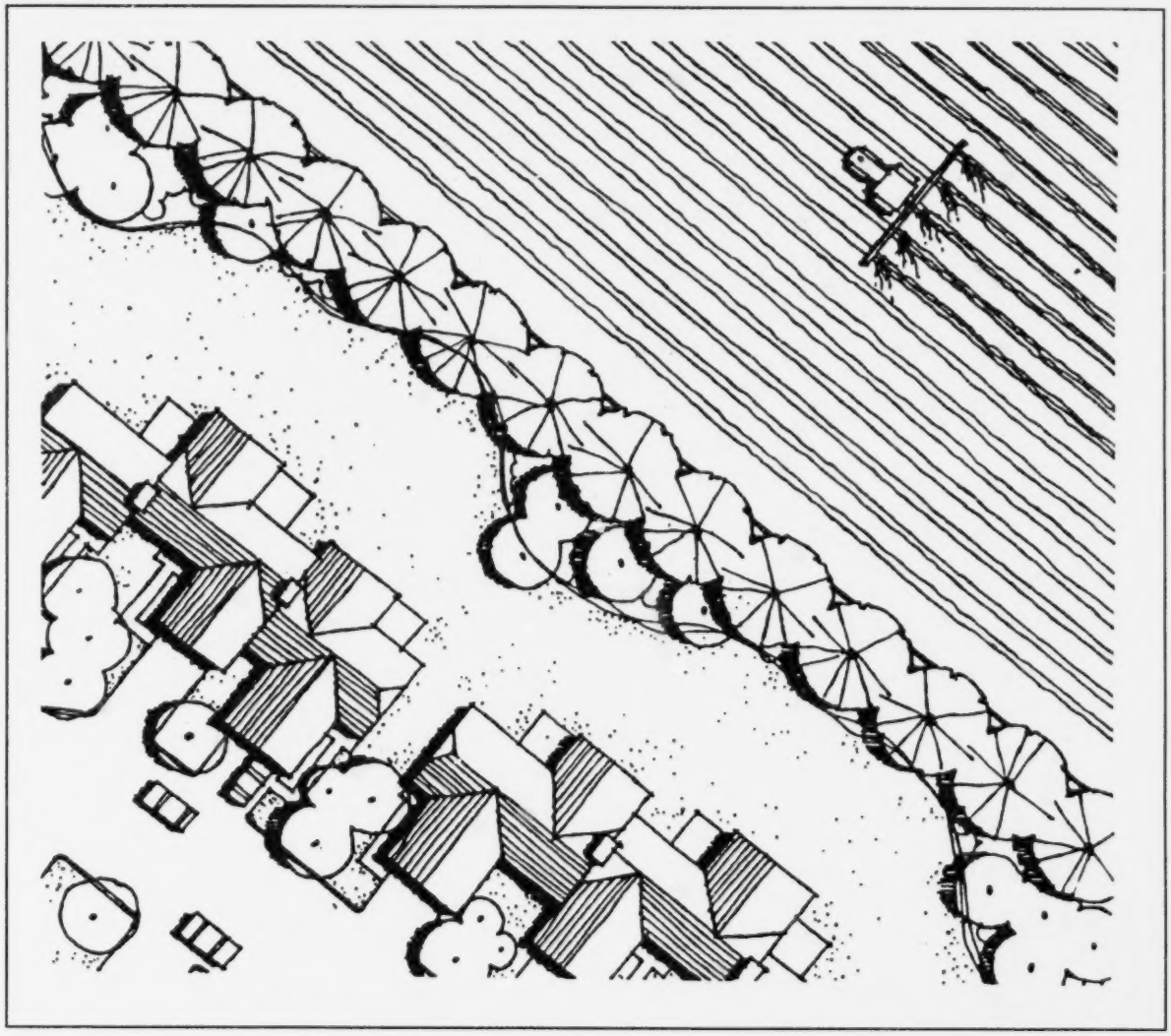

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Subdivision Near Agriculture

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Acronyms Used in this Guide

ALC	Agricultural Land Commission
ALCA	Agricultural Land Commission Act
ALR	Agricultural Land Reserve
FPPA	Farm Practices Protection (Right To Farm) Act
MAFF	Ministry of Agriculture, Fisheries and Food

I. Purpose Of This Guide

New "right to farm" legislation has been passed which has implications for approving officers. When considering subdivision proposals in or near agricultural areas (both in and out of the Agricultural Land Reserve), approving officers must now consider if the subdivision would unreasonably interfere with farming operations or unnecessarily increase access to land in an agricultural land reserve.

The purpose of this Guide is to:

- provide an overview of the legislative changes,
- create an understanding of potential conflicts at the urban-agricultural interface, and
- suggest effective ways to lessen conflicts when considering subdivision proposals in agricultural areas.

II. The Emergence Of The New Legislation

Historically there has been inadequate effort to assure land use harmony at the time of urban development next to farming. Insensitive subdivision design, lack of buffering and unnecessary road access to lands in the Agricultural Land Reserve (ALR) have fueled the need for a coordinated effort to build better relationships between urban and agricultural communities, enhance land use compatibility and ensure that agriculture has a home for the long term.

The Agricultural Land Reserves were established to preserve BC's farmland for the future and to assure that there will be a land base for food production. However, protecting the land through the ALR is only part of the picture. The ALR does not solve the problems of urban-agricultural conflicts. Farm families must be assured that farming is the priority use in the ALR, and both urban and rural families must develop a better understanding of what it means to live next to working farms.

In 1994, the Minister of Agriculture, Fisheries and Food (MAFF) announced his intention to develop an agri-food policy and new legislation to protect and strengthen farming in BC. The introduction of the *Farm Practices Protection (Right to Farm) Act* (FPPA), adopted in June of 1995 and now in effect, is an important element of the initiative to strengthen farming.

The FPPA is intended to protect farmers who follow proper and accepted farming customs and standards, to assist local governments in planning for agriculture, and to improve relations between farm and non-farm neighbours.

The FPPA made consequential changes to the *Land Title Act* and the *Municipal Act* which provide better tools to plan and improve compatibility between agriculture and urban land uses.

III. New Directions

A. Protection for farmers

A primary objective of the FPPA is to protect farmers using normal farm practices. Several initiatives support this objective.

- New procedures have been established to deal with farm concerns and complaints and a Farm Practices Board will adjudicate complaints.
- MAFF has worked with the industry to develop a guide to farm practices.
- At the producer level, Peer Advisory Groups of the BC Federation of Agriculture, the BC Cattlemen's Association, the Horticulture Coalition and the Horse Council of BC will assist with agriculture related concerns.
- The Agricultural Waste Control Regulation and Code of Agricultural Practice for Waste Management help to ensure that agricultural waste is handled in an environmentally sound manner.
- The Regulation and Code are supported by "Environmental Guidelines" for various commodities.

B. Planning for agriculture

The FPPA made amendments to the *Municipal Act* which are designed to provide local governments with better planning and bylaw tools to deal with agricultural issues, particularly at the interface between farm and non-farm uses. These amendments include:

Minister's Provincial bylaw standards *(Municipal Act, Division 4.1, effective April 1, 1996)*

- These standards (to be published and distributed by MAFF), will form the basis for review and update of the agricultural components of zoning and rural land use bylaws and the creation of new farm bylaws by local governments. Existing zoning and rural land use bylaws will gradually be reviewed and updated for consistency with the Minister's bylaw standards.

Provisions for local governments

- Policies specific to the maintenance and enhancement of farming may be addressed in a community plan. *(Municipal Act, Section 945 (2.3), effective April 1, 1996)*
- Development permit areas may now be designated for the protection of farming in a community plan. They may include requirements for screening, landscaping, fencing and siting of buildings in order to provide for buffering or separation of development from farming. *(Municipal Act, Section 945 (4)(c.1) & 976 (6.1), effective April 1, 1996)*

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Provisions for approving officers

- **Of particular significance to approving officers are the FPPA changes to the *Land Title Act*. These changes came into effect April 1, 1996 and are detailed in Section IV.**

In addition to the FPPA, there are other initiatives to support planning for agriculture.

- Amendments to the *Agricultural Land Commission Act (effective September, 1994)*
  - encouraging municipalities, regional districts and others to support and accommodate the farm use of agricultural land in bylaws, plans and policies *(section 7)*;
  - ensuring local bylaws are consistent with the Agricultural Land Reserve *(section 31)*.

- Amendments to the *Municipal Act (effective September, 1994)*
  - requiring proposed Official Community Plans involving land within the ALR to be referred to the Agricultural Land Commission (ALC) *(section 947)*.

- The ALC's guide, "Planning For Agriculture - The Local Contribution" *(anticipated Fall, 1996)*
  - highlighting practical means that can be used at the local level to help sustain and strengthen agriculture
  - promoting adoption of Agricultural Area Plans
  - encouraging a more focused examination of agriculture's interface for the purpose of developing edge plans and defining development permit areas as a means to ensure greater land use compatibility.

- The *Growth Strategies Statutes Amendment Act (effective January, 1995)*
  - promoting the development of regional growth strategies with links to the community plan process with an objective of maintaining the integrity of a secure and productive resource base for agriculture *(Part 28.1 of the Municipal Act)*.

IV. Interpreting The New Legislation

The *Farm Practices Protection (Right To Farm) Act* includes two amendments to the *Land Title Act* which directly affect approving officers. It expands the powers of approving officers to refuse subdivision if:

- ***"the anticipated development of the subdivision would unreasonably interfere with farming operations on adjoining or reasonably adjacent properties, due to inadequate buffering or separation of the development from the farm"***
  (*Land Title Act - section 86(1)(c)(x)*);

- ***"despite (ix)*** [which refers to the need to ensure that a proposed subdivision does not make future subdivision of land adjacent to it impracticable], ***the extent or location of highways and highway allowances shown on the plan is such that it would unreasonably or unnecessarily increase access to land in an agricultural land reserve"***
  (*Land Title Act - section 86(1)(c)(xi)*).

These changes provide an opportunity for approving officers to consider the potential impacts of subdivision on farm operations and farm land and, if required, modify the proposed subdivision and development design in a manner that will enhance compatibility for persons living on both sides of the farm fence.

In order for approving officers to carry out this new responsibility it may be helpful to clarify and reflect on the intention of some key aspects of the wording.

"farming operation"

- This does not specifically relate to only lands within the ALR. While the majority of the farming operations will be in the ALR, there are instances where farming, particularly ranching, is carried out on land that is not within the ALR. It will also include aquaculture operations which are mainly outside the ALR.

- This may not necessarily be an active farm. If the land is within the ALR, it is preserved for farming for the long term and any subdivision proposals in proximity should be viewed in this context.

"unreasonably interfere" with farming operations

- There is an obvious degree of discretion involved here. Approving officers may find it useful to consult the list of urban/agricultural conflicts (Section VI) to see if a subdivision has the potential of creating a situation that would unreasonably interfere with farming operations.

"buffering or separation"

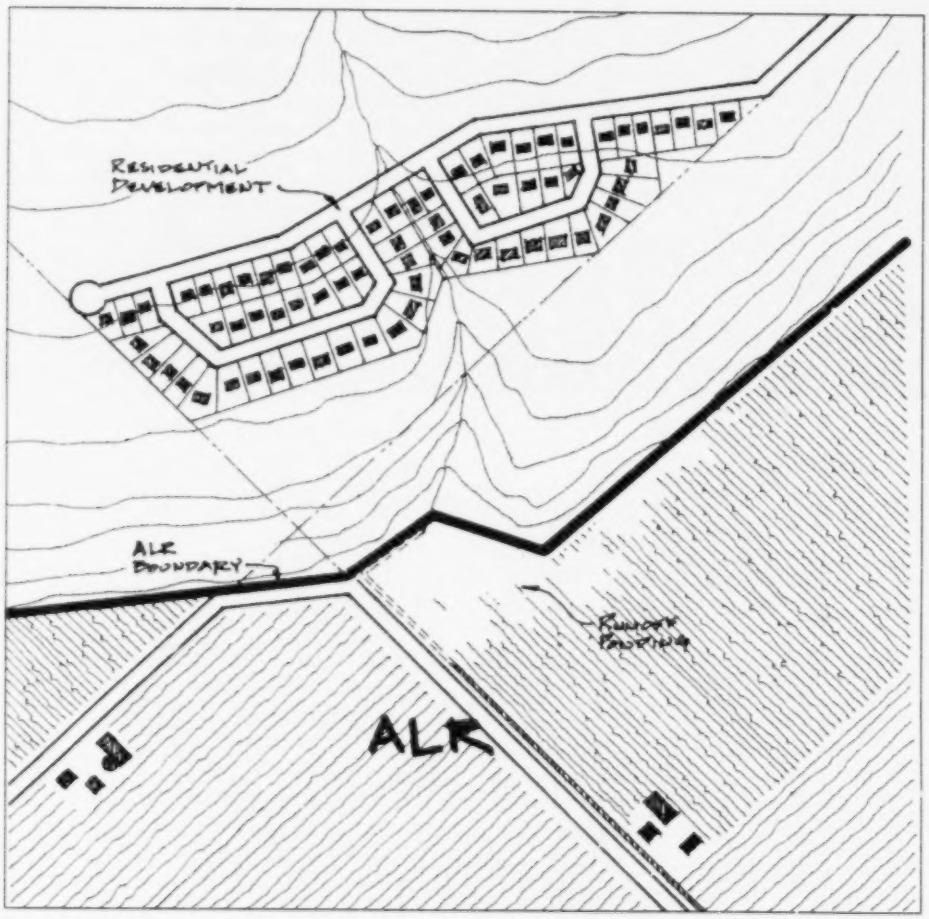
- This may include screening, landscaping, fencing, siting of buildings or structures and diversion of surface water runoff by ditching, retention ponds, etc. as well as lot layout and configuration.

"reasonably adjacent properties"

- This wording is the same as is used in section 86(1)(c)(i) of the *Land Title Act* and approving officers should interpret "reasonably adjacent" in a similar manner.

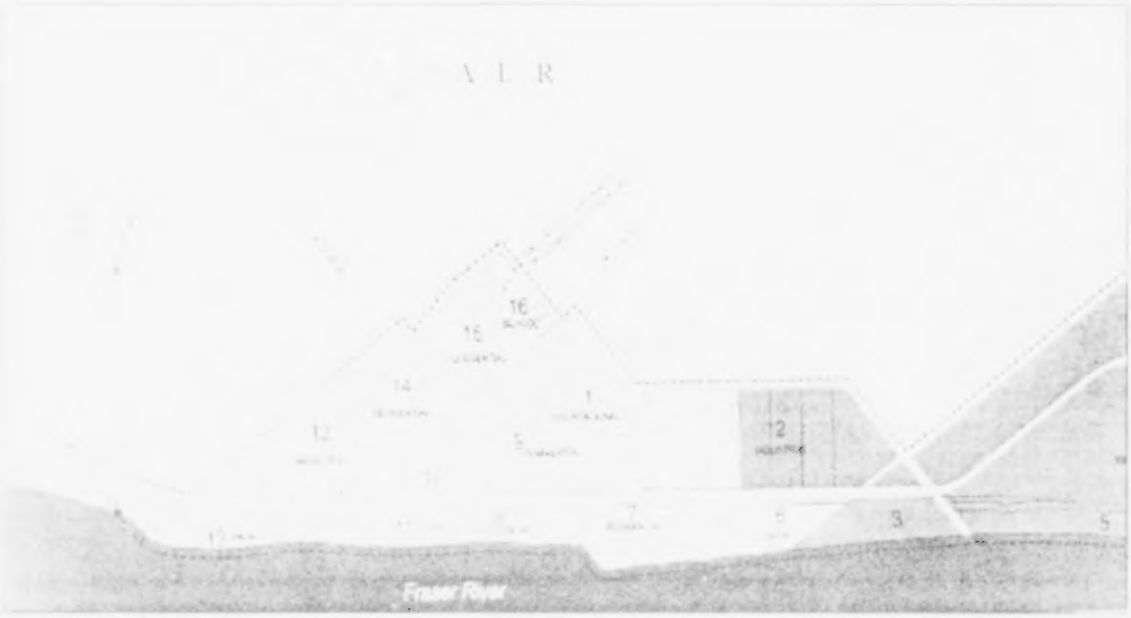
- Future development plans for roads or additional services could impact more than just the adjacent lands. Run-off from a subdivision some distance from the agricultural interface may also affect downstream farms. The following examples illustrate from an agricultural perspective how a subdivision proposal not immediately adjacent to a farm could have a serious impact on agriculture.

Example 1



In this subdivision, inadequate storm drainage has caused flooding of farmland and allowed pollutants to enter the drainage system used for irrigation. Rapid run-off may also affect groundwater recharge areas.

Example 2



Mixed Use Development Proposal (3500 - 4500 residents)

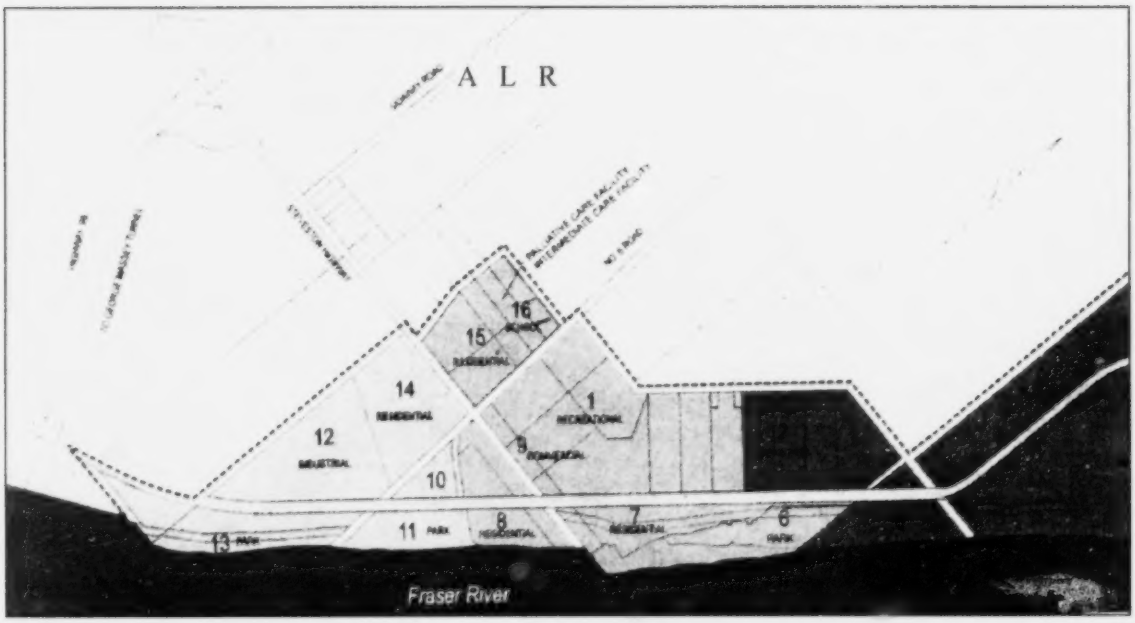
Drainage issues - storm water management and water table control will have a critical impact on adjacent agricultural lands.

Location of school site and palliative intermediate care facility may cause restrictions on crop spraying, animal confinement facilities, etc. This could be improved by relocating the non-farm uses or by requiring adequate buffering.

Transportation impacts - increased traffic volume will require upgrading of rural roads serving the farm community which may restrict access for farm vehicles, increase safety concerns and cause loss of agricultural land for right-of-way expansion.

It is recognized that a development of this size involves larger planning issues. However approving officials will have a role to play as development proceeds through site specific subdivision applications.

Example 2



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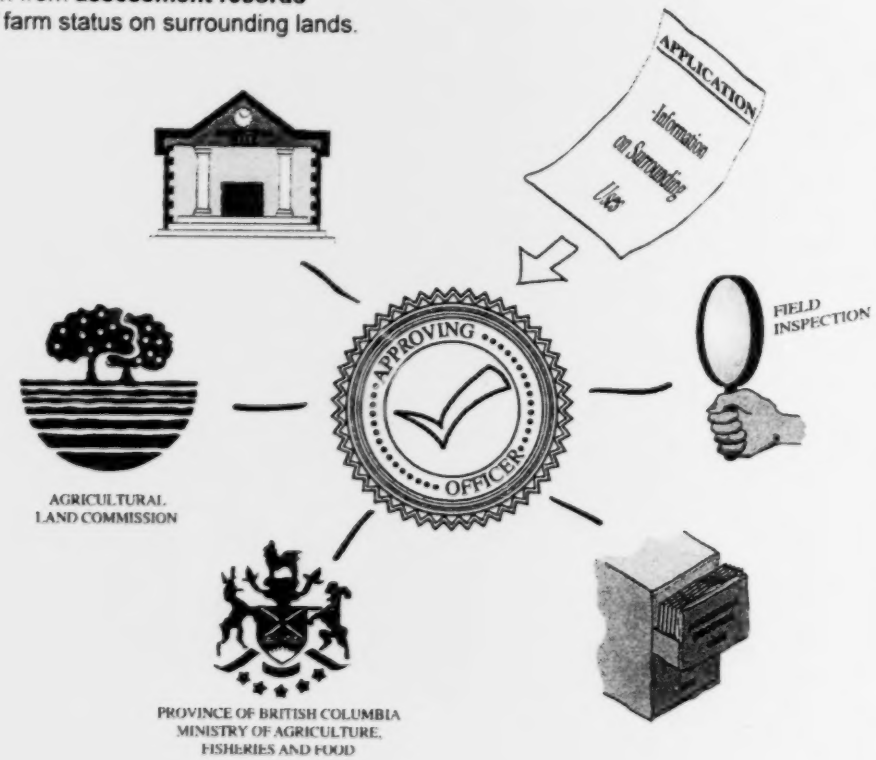
It is recognized that a development of this size involves larger planning issues. However approving officers will have a role to play as development proceeds through site specific subdivision applications.

V. Recognizing Where The New Legislation Applies

As the new legislation only pertains to subdivisions in proximity to farming or the ALR, the first step is to determine if there are farming operations in the area of the subdivision proposal. This information can be obtained through:

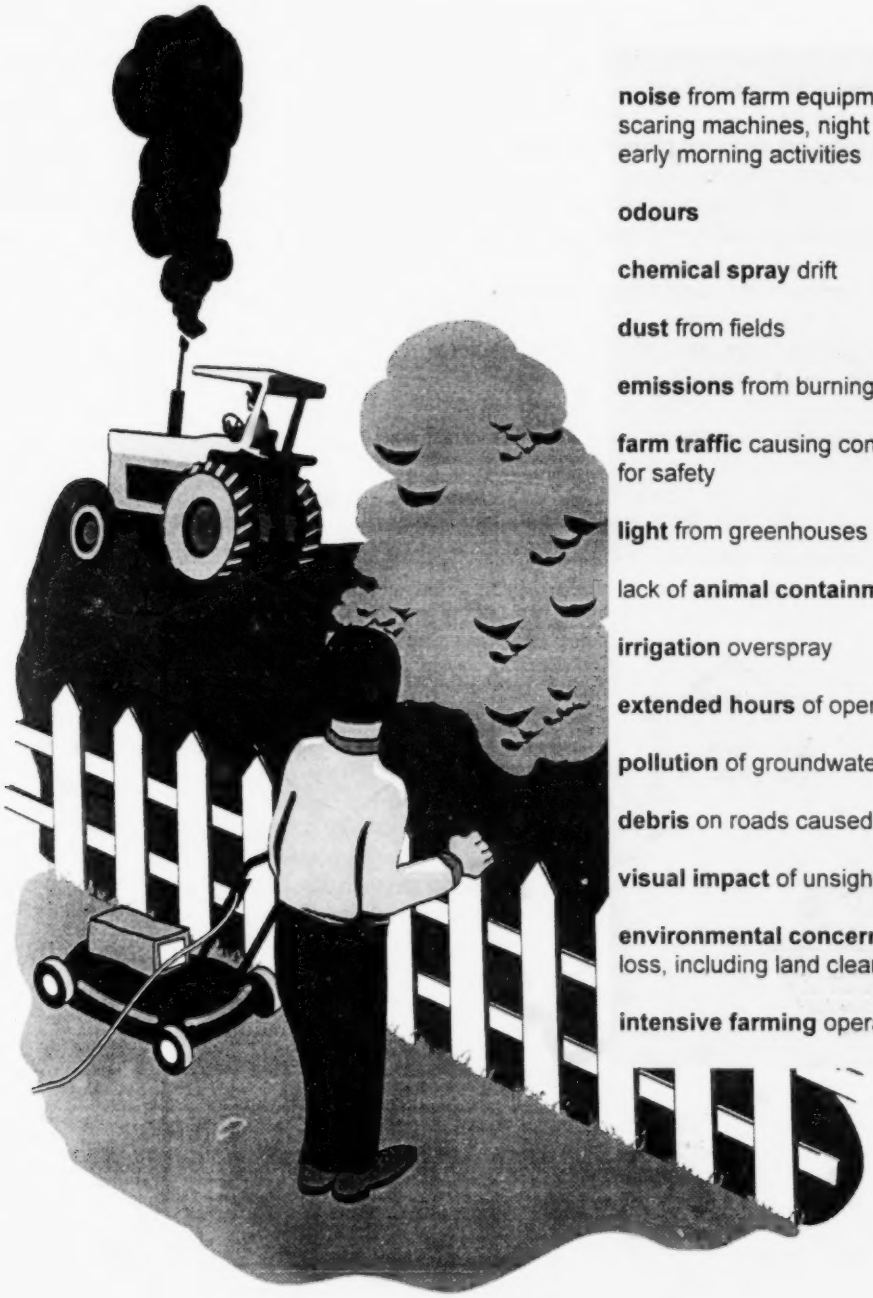
- information provided by the **applicant** on surrounding land uses
- **field inspections** to determine evidence of farming and if so, what type
  Note: If there is no evidence of farming in the area, it is still necessary to check on zoning and ALR status as present land use is only one of the factors.
- information from the local government **planning department**
  - ✓ official community plan policies
  - ✓ development permit area designations
  - ✓ zoning designations that permit agricultural uses in the area
- information from the **Agricultural Land Commission**
  - ✓ location of the ALR boundary
  - ✓ applications for subdivision or exclusion in the area
  - ✓ ALR reviews relevant to the subdivision area
- information from the **Ministry of Agriculture, Fisheries and Food**
  - ✓ types and history of farm operations in an area
  - ✓ appropriate mitigative techniques
- information from **assessment records**
  - ✓ farm status on surrounding lands.



VI. Urban / Agricultural Conflicts

Much of BC's farming industry is located very close to urban centers. Approximately 65% to 70% of annual gross farm receipts are generated in municipal jurisdictions. Living in such close proximity can pose major challenges to farm families and their non-farm neighbours as they find ways to co-exist.

A. Through the eyes of the non-farm neighbour



noise from farm equipment, animals, fans, bird scaring machines, night harvesting, early morning activities

odours

chemical spray drift

dust from fields

emissions from burning, building ventilation

farm traffic causing congestion and concerns for safety

light from greenhouses

lack of **animal containment**

irrigation overspray

extended hours of operation

pollution of groundwater

debris on roads caused by farm vehicles

visual impact of unsightly farm operations

environmental concerns relating to habitat loss, including land clearing

intensive farming operations

B. *Through the eyes of the farmer*

complaints about farm practices

liability concerns

economic instability caused by increased urbanization and changing land values

trespassing by hikers, cyclists, school children, hunters, dogs, cars, off-road vehicles

theft of crops; **vandalism** to machinery, crops, fences, irrigation equipment; **harassment** of livestock by people and dogs

damage to equipment, crops and livestock from litter

crop & **irrigation spraying limitations** due to urban encroachment

competition for **water**; development affecting **recharge** of groundwater; **pollutants** from subdivisions entering farm water sources

flooding and/or **soil erosion** from urban development storm water runoff

loud **noises** reducing animal production levels

shading of crops by inappropriate buffering

lack of urban weed control and spread of **noxious weeds**; introduction of **pests** and **diseases**

safety concerns related to slow moving farm equipment, hydro transmission lines, gas lines

movement of farm vehicles restricted by physical barriers and urban road patterns & traffic

street & recreational **lights** affecting growth patterns of greenhouse crops

restrictions on drainage ditch maintenance due to potential impact on **fish and wildlife**; damage to crops and pressure on farm land to serve as wildlife habitat lost to urban development

increased environmental and social concerns relating to **land clearing** and **animal welfare**

VII. Evaluating Subdivision Proposals From An Agricultural Perspective

The time of subdivision offers an opportunity to consider the potential impacts that a subdivision may have on surrounding land uses and, if required, to modify the proposal to enhance compatibility.

This section reviews the subdivision criteria normally considered by the approving officer from an agricultural perspective.

A. Access to lands beyond

The provisions within the *Land Title Act* to provide access to lands beyond has been a particular concern for agriculture. The application of this provision next to the ALR unduly increases expectations for land use change within the ALR and foreshadows the future urbanization of farm land. Also, road endings pointed at the ALR can invite trespass and vandalism. For these reasons the *Land Title Act* has been amended to modify the approach to evaluating subdivisions next to the ALR to avoid unnecessary road endings directed into the ALR. *(Land Title Act, sec. 86(1)(c)(xi)).*

Land within the ALR, whether currently farmed or not, is earmarked for agriculture for the long term. Evaluation of proposals to subdivide lands adjacent to the ALR should be considered with this in mind.

- If the adjacent farm land parcel already has road access through an alternate route, no further access requirements should be necessary.
- If a subdivision plan proposes multiple road accesses directed towards the ALR, the design should be altered to provide only the necessary access.
- Half width road dedication and/or construction along the border between the subdivision and adjacent farm land should be avoided as this implies that the farm lands will be developed in the future.
- When a subdivision is contiguous with a body of water, access requirements to water should be minimized or consolidated so that they do not interfere with farming or increase access to the ALR.
- Alternate options for providing access to lands beyond such as easements, road reservations, covenants which provide for roads to be built if and when needed, turnarounds and gated access should also be considered.

B. *Subdivision layout*

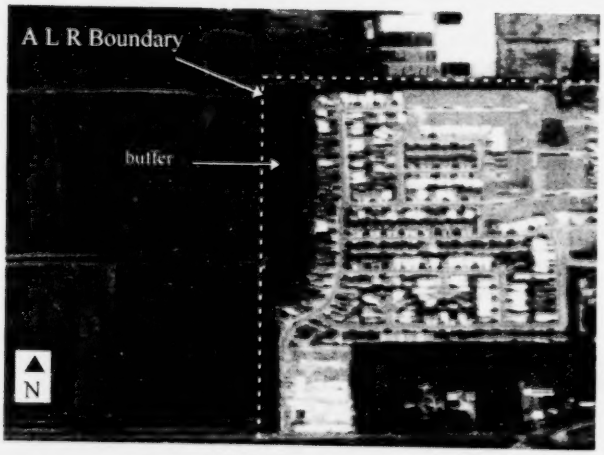
Subdivision layout can have a great impact on compatibility along the agricultural edge. Where there are opportunities for design control, the subdivision layout should be evaluated from the viewpoint of alleviating potential land use conflicts.

- Careful consideration of parcel size configuration, setbacks, road patterns, drainage patterns, or the location of park and school dedications at the time of subdivision can play a significant role in ensuring harmony between urban and agricultural neighbours. Structural separations, vegetative screens, fencing, ditching and berms are important considerations.

- Even though local bylaws may permit the parcel sizes proposed, the approving officer must consider whether the subdivision would interfere with farm operations. If parcels adjoining a farm operation are not large enough to provide for adequate buffering, the subdivision should be reconfigured.

- If the proposed lots or a remainder can be further subdivided, careful evaluation should also be given to the impact on agricultural lands. Plans for future roads or services should be considered. Consider requiring covenants on a remainder to ensure that provisions for adequate buffering form part of the eventual development plans.

Multiple family housing built on the edge of the ALR has high potential for future conflict with adjoining agricultural operations.



In this subdivision, potential conflicts between urban and farm neighbours have been reduced through buffering and fencing along the western edge and larger lots with a "no build" covenant on the northern edge.

C. *Park and school dedication*

The location of parks and schools can also have implications for agriculture. In some circumstances, parks and school playing fields may act as buffers between agricultural and urban uses but in other cases may be totally inappropriate. Issues such as trespass, vandalism, harassment, noise, spray drift, etc. need to be considered.

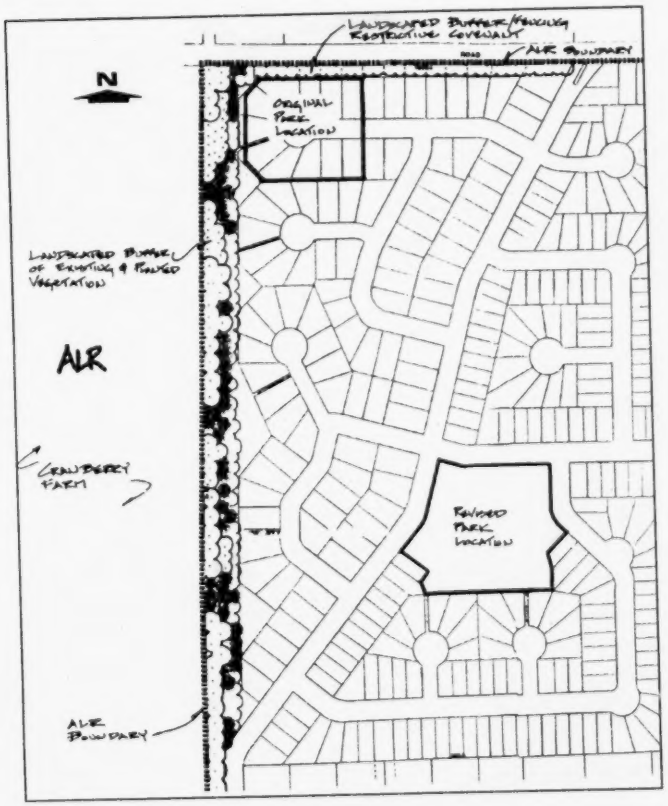
- Where a subdivision includes a school or park dedication adjacent to agriculture, it is important to consider the type(s) of farming. A school next to an orchard could invite theft or animal operations could suffer from harassment problems. From another perspective, parents may have concerns over their children's health if chemical sprays drift from the farm.

- Buffering and particularly fencing can play a very important role and should be considered as a condition of approval.

- Restrictions on the location of buildings may be another important consideration. School or recreational buildings should be set well back from the agricultural edge.

- When assessing the location of school or park dedication, consider the effects of environmental regulations such as restrictions on aerial spraying within 500 metres of a school, park or playground.

- Consultation with MAFF / ALC may be helpful in determining the appropriateness of a proposed park or school site within a subdivision and buffering or separation considerations.



In this subdivision, the park site was relocated to the center of the development to lessen the impact on agricultural operations to the north and west. To enhance land use compatibility, a vegetative buffer was proposed on the western edge and larger lots on the northern boundary with a "no build" covenant to provide separation from farming operations.

D. *Servicing requirements*

The needs of a proposed subdivision for services such as water, sewer, storm drainage and utilities can impact on and have implications for adjacent lands.

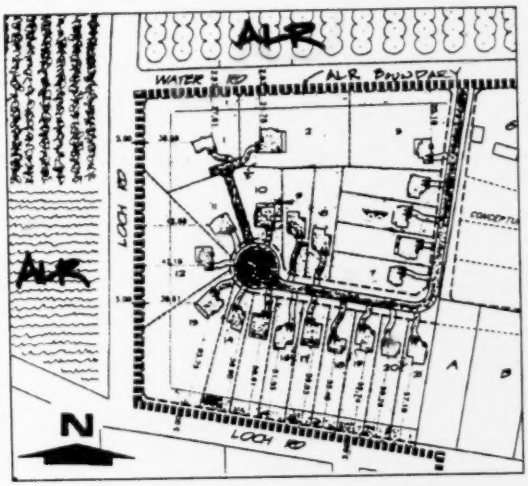
- Water and sewer lines projected towards or running alongside farm properties may serve as unwarranted indicators of future urbanization. Ensure that water and sewer lines are not directed into the ALR.
- The source of water can become an issue in areas where water supply is scarce.
- Water contamination, particularly from road runoff can also be a problem.
- Inadequate drainage considerations within a subdivision can cause flood, erosion or siltation damage to adjacent farm lands or affect water retention on downstream farms. Rapid storm water drainage can cause flooding of low lying lands. Water retention or changes in percolation can also affect groundwater levels serving as a water source for farming. Consider requiring a drainage study or design prepared by a professional engineer.
- Hydro transmission lines can cause operational interference with intensive irrigation.
- Safety is an issue for farm equipment operating alongside transmission lines and high-pressure gas pipelines.
- Street lights can affect production of greenhouse crops.

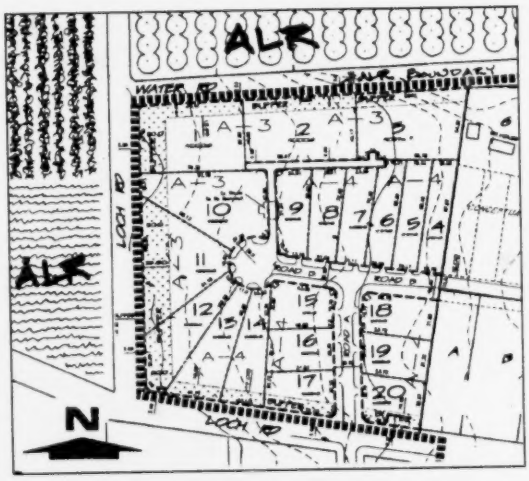
Note the half road and the location of the sewer line which suggest future plans to extend development onto the adjacent farm land.

E. *Traffic patterns*

The location and type of roads within a specific subdivision and within a larger transportation network have implications for agriculture.

- Increased traffic volumes can cause conflicts with slow moving farm equipment resulting in safety concerns.
- Increased traffic volume and restricted or limited access by physical barriers can make it difficult and time consuming for farmers to move equipment between fields and orchards.
- Road construction can change drainage patterns and result in increased run off, pollution and sediment load.





This subdivision plan was redesigned so that traffic from the subdivision was not directed into the farming operations north of Water Road. Note the buffering on the north and west boundaries and the larger lot sizes on the northern boundary.

F. *Environmental considerations*

Subdivision design considerations to protect the natural environment may also help to protect farming. Issues such as buffer zones, creekside protection, ground water contamination, noxious weeds and wildfire are also concerns from an agricultural perspective.

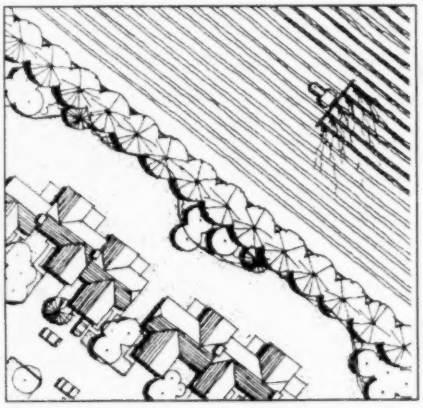
VIII. Improving Land Use Compatibility Along Agriculture's Edge

Once the implications of subdivision from an agricultural perspective are understood, the next step is to consider measures to alleviate potential problems. This section offers suggestions on how a subdivision design may be altered or conditions imposed to address potential urban / agricultural conflicts.

A. Buffers

One technique for mitigating potential conflicts between farming and urban development is to provide a physical separation between the two uses.

Simple vegetative screens may be appropriate in low impact situations. Comprehensive buffers that incorporate berming, ditching, fencing and planting to screen noise, views, dust, sprays and trespass prevention may be needed in high impact situations. In some instances, physical features such as gullies, streams or bluffs may provide natural buffers. Existing vegetation should also be considered as a buffer if suitable and practicable.



In recognition of the need to ensure harmony between the farmer and the non-farm neighbour, the ALC has developed "Landscaped Buffer Specifications." This guide discusses buffering types for various purposes, provides specifications for plant layout, spacing and support and lists acceptable plant material for use in buffer landscaping. Various fencing specifications are also provided.

When buffers are specified as a condition of subdivision approval, consideration should also be given to protection and maintenance of the buffer through a restrictive covenant. Thinning & clearing of vegetation, width of buffer, location of structures, services and uses within the restricted zone should be addressed. (Refer to the sample covenant attached as Appendix 2.)

Where subdivisions are proposed in open range areas, there is potential for conflict between livestock owners and adjacent land owners when no fences (or inadequate fences) separate the two. Fencing should be a condition of approval for all subdivision proposals in livestock districts.

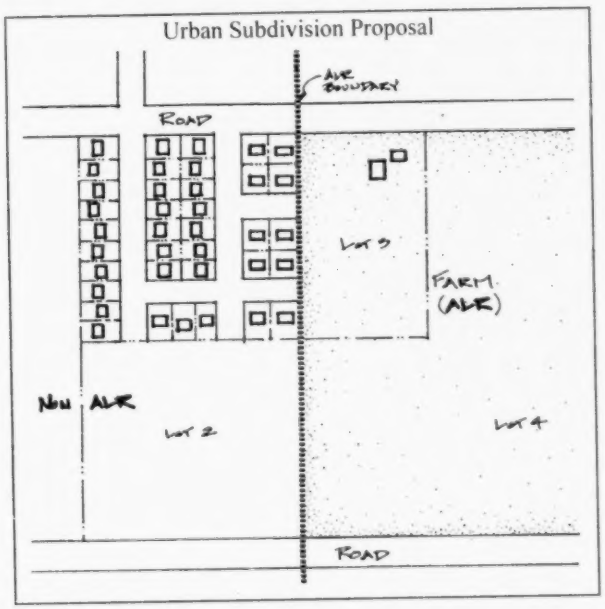
Inappropriate buffers can also cause problems. For instance, large trees may shade crops. Certain shrubs may encourage birds and insects or harbour diseases which may damage crops. In order to determine effective and appropriate buffers, it is necessary to know the type or types of agriculture being carried out adjacent to the subdivision. Consultation with adjacent farmers and MAFF is important.

B. *Subdivision layout*

The layout of a proposed subdivision offers many opportunities to improve compatibility between agricultural and urban or rural land uses. Parcel layout and size, setbacks, road patterns, location of sewer and water lines and other services, drainage patterns and park or school dedications can have implications for agriculture.

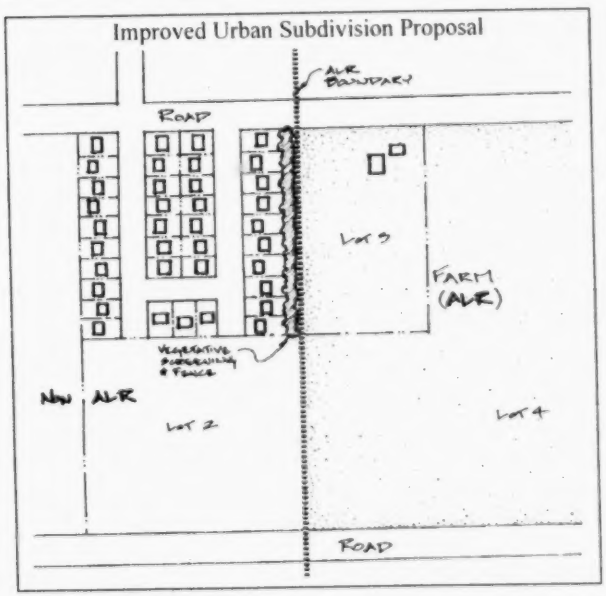
It is recognized that some aspects of the subdivision layout may be beyond the scope of the approving officer's powers. However, it is useful to discuss all aspects so that where there is opportunity, the approving officer may take these items into consideration or alternatively draw specific items to the attention of various authorities during the referral process.

The following examples are layouts of subdivisions adjacent to farming areas. Each set of examples highlight potential problems for agriculture and make suggestions as to how the layouts could be improved to alleviate or reduce the problems.



POTENTIAL PROBLEMS

- road endings leading into the ALR
- multiple road endings
- urban lots directly abutting farm land with no fencing or buffering
- overall layout has a destabilizing influence on farming

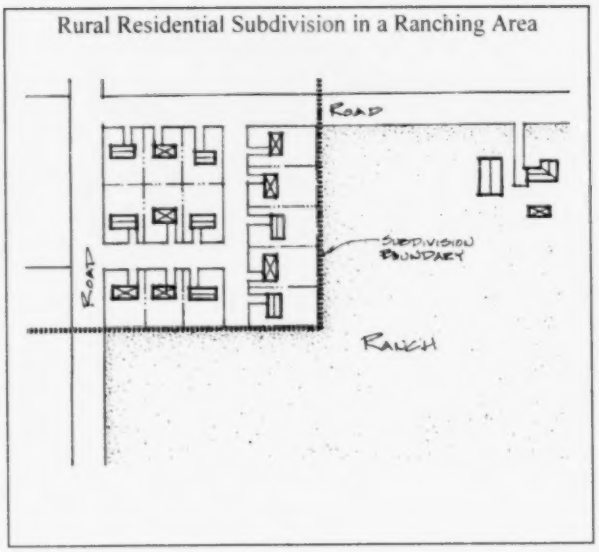


IMPROVEMENTS

- elimination of multiple road endings directed into the ALR
- addition of a fencing & vegetative screening buffer between the subdivision and agriculture
- greater lot depths next to the farm operation

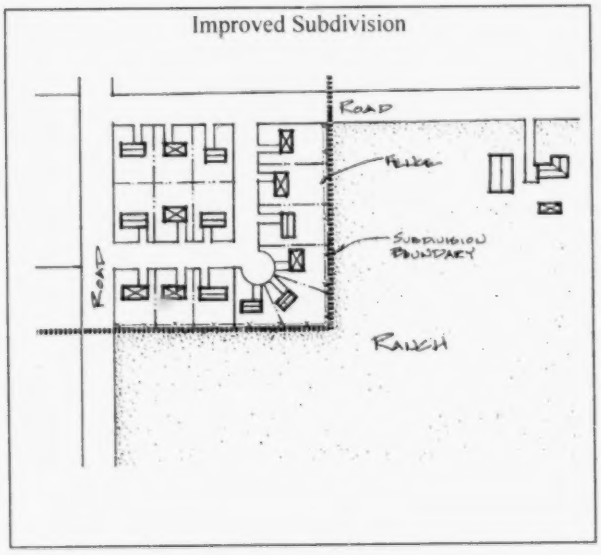
Additional Suggestions

- *require greater setback distances for principal buildings from the edge of agricultural land*
- *suggest that the area be considered as a development permit area*



POTENTIAL PROBLEMS

- road ending directed into ranch lands
- no buffering or fencing between the subdivision and the ranch

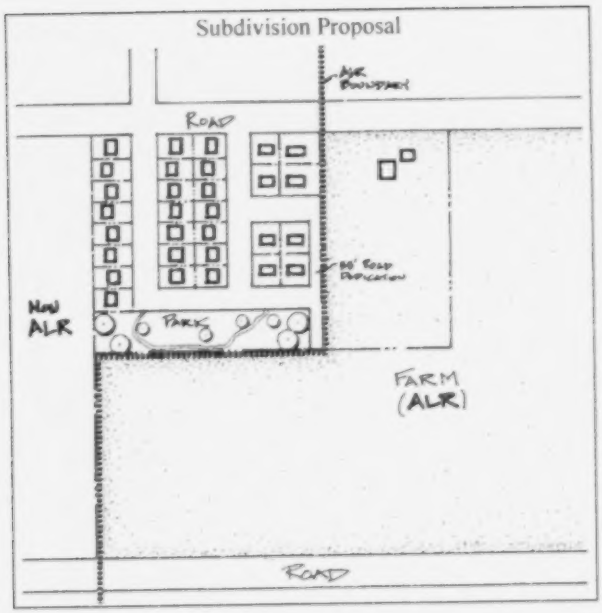


IMPROVEMENTS

- road ending eliminated
- fencing buffer added to ensure that livestock at large are kept out of the subdivision

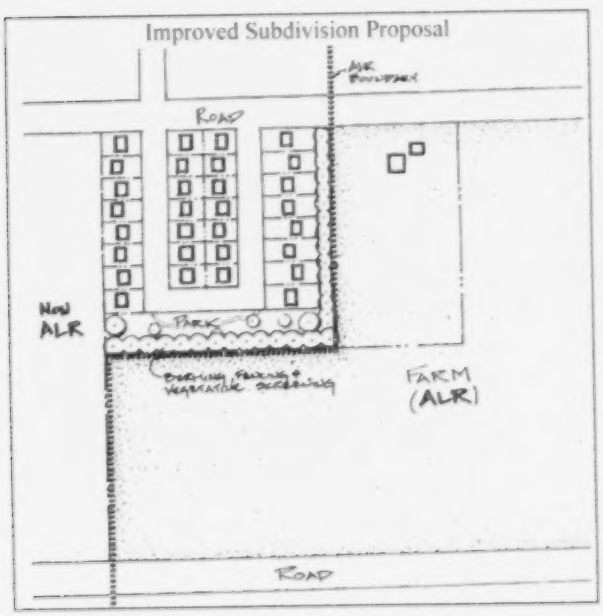
Additional suggestions

- *require greater setback distances for principal buildings from the edge of agricultural land*
- *cattle guards should be required where appropriate*



POTENTIAL PROBLEMS

- park location provides separation between the development and agriculture but may lead to trespass & vandalism problems
- half road width dedication implies future subdivision of farm land to provide additional road requirement



IMPROVEMENTS

- addition of fencing, berming & landscaping between the park & the farm
- elimination of half road width dedication

Additional suggestions

- *locate walkways, bikeways, etc. furthest from the agricultural edge*
- *parking areas associated with the park should have a minimum landscaped buffer and should address the potential for storm water run-off onto the farm*

C. Covenants

When evaluating a subdivision, approving officers often require covenants to protect water courses or create no build areas where natural hazards may be a problem. Covenants could also serve a similar role to protect farming.

To ensure that there is adequate buffering or separation of subdivision development from agriculture, a covenant could be imposed to require:

- "no build areas"
- vegetative screening
- fencing
- ditching and water detention
- berming
- retention of existing vegetation
- use restrictions

When a covenant is being considered, it is important to discuss the covenant with the adjacent farmer(s) and perhaps MAFF to ensure that the restrictions do not create an unworkable situation for the farmer. For instance, a covenant to protect a wooded area for purposes of buffering may not benefit the farmer if the trees are shading the crops.

A sample covenant is attached as Appendix 2.

D. Prospectus or Disclosure Statement

Another method of helping to reduce urban / agricultural conflicts, is to ensure that potential purchasers of the subdivided land understand that they are buying land adjacent to or in a farming area and will experience normal farm practices. The prospectus or disclosure statement required by section 50(6) of the *Real Estate Act* could serve this purpose.

Approving officers may wish to suggest that a developer add a "farm notice" clause in the prospectus or disclosure statement. Alternatively, if a covenant is being required, it may be possible to add a "farm notice" clause to the covenant.

Suggested wording for such a clause could be as follows.

"Purchasers should be aware that this subdivision is located in or near an agricultural area. There are many activities associated with the business of farming and ranching that may generate noise, dust, odours or other disturbances. The Farm Practices Protection (Right To Farm) Act protects farmers right to farm provided they use normal farm practices."

Additional wording for subdivisions located in open range areas.

"Purchasers should be aware that this subdivision is located in a Livestock District where cattle roam free of fence confinement. Land owners who do not want livestock on their land must fence them out."

It should be noted that the prospectus /disclosure requirements only apply to subdivisions where 5 or more lots are being created. They would not apply to subsequent individual sales.

E. Refusal of a subdivision proposal

Section 86(1)(c) of the *Land Title Act* provides that an approving officer may refuse to approve a plan of subdivision for a variety of reasons. The two recent additions to this section as discussed in this Guide provides an approving officer with additional powers to refuse a plan of subdivision if adequate buffering or separation of a proposed development from farming cannot be achieved or the location of roads would unreasonably increase access to the ALR.

IX. Seeking Advice On Agriculture

Approving officers may not necessarily be aware of the types of impacts that a subdivision may have on agriculture or effective measures to address potential problems. For these reasons, it may be beneficial to establish connections with the farm community and local and provincial governments to draw on their experience and expertise.

A. The farming community

Farm Organizations & Agricultural Advisory Committees

- draw on knowledge of local Farmers Institutes, commodity organizations, Peer Advisors & Agricultural Advisory Committees
- use provisions of section 86(1)(a) of the *Land Title Act* to require a report on agricultural concerns related to a subdivision

Specific Farmers

- contact affected farmers to gain an understanding of issues that may impact on farm operations and seek input on how to alleviate potential problems
- use provisions of section 86(1)(b) of the *Land Title Act* to hear from persons who may be affected by a subdivision

B. Local government

Planning Department & Engineering Department

- can provide information on subdivision and land use regulation, servicing bylaws and the location of the ALR boundary
- may have local knowledge of the types of farming activities in the subdivision area, drainage considerations, potential water resource conflicts, etc.
- can advise if it has appointed an Agricultural Advisory Committee

C. Ministry / Commission

Ministry of Agriculture, Fisheries & Food

- can provide advice and expertise on issues that may affect a particular type of farming, appropriate types of fencing, vegetative screening, drainage considerations, etc.
- may act as a liaison with the farming community and individual farmers

Agricultural Land Commission

- can provide information on the location of the ALR boundary, ALR reviews in progress or the status of pending applications
- if a subdivision proposal has involved an application under the *Agricultural Land Commission Act*, check to see if the Commission has imposed buffering, design or other conditions

Other sources of advice may include independent experts such as professional agrologists, engineers, landscape achitects or authorities such as the Ministry of Environment, Lands & Parks on issues relating to aerial spraying and creek protection.

X. Additional Resource / Support Material

Subdivisions and Agriculture / Information for Developers
This pamphlet is intended to make the public aware of requirements for subdivision proposals in areas adjacent to or near agricultural lands. It provides advice on subdivision layout and suggests ways to address potential conflicts between farming and subdivision development.
Published by the Provincial Agricultural Land Commission, available Fall, 1996.

Landscaped Buffer Guidelines
This publication sets out various methods of buffering agricultural operations from non-farm uses. It discusses types of buffers for various purposes, provides specifications for fencing and plant layout and lists acceptable plant materials.
Published by the Provincial Agricultural Land Commission, March, 1993.

Planning For Agriculture - The Local Contribution
This publication reviews local government plan and bylaw delivery systems and discusses new processes to ensure a greater focus on agricultural issues. Of particular relevance to approving officers are Chapter 7 - *Planning Along Agriculture's* Edge, and Chapter 8 - *Agricultural Issues and Opportunities*.
Published by the Provincial Agricultural Land Commission, available Fall, 1996.

Farm Practices in British Columbia Reference Guide
This Guide provides farm practice descriptions for various types of farming.
Published by the Ministry of Agriculture, Fisheries and Food, 1996.

BC Agricultural Fencing Handbook
The purpose of this handbook is to aid agricultural producers in making decisions in fence design and construction.
Published by the Ministry of Agriculture, Fisheries and Food, 1996.

Environmental Guidelines For Farm Commodities
Ten detailed guidelines have been prepared for Beef Producers, Berry Producers, Dairy Producers, Greenhouse Growers, Horse Owners, Mushroom Producers, Nursery & Turf Industry, Poultry Producers, Tree Fruit & Grape Producers, and Vegetable Producers.
Published by the Ministry of Agriculture, Fisheries and Food

Minister's Provincial Bylaw Standards
These standards are prepared in relation to Section 973 of the *Municipal Act* which provides for the Minister of Agriculture, Fisheries and Food to establish bylaw standards for the guidance of local governments in the preparation of bylaws relating to farming.
Published by the Ministry of Agriculture, Fisheries and Food, available 1996/97.

Urban Runoff Quality Control Guidelines for British Columbia
This guide is intended to assist municipalities and regional districts in preparing management plans for urban runoff quality control using currently accepted Best Management Practices.
Published by the Ministry of Environment, Lands and Parks, June 1992.

Subdivision Policy and Procedures Manual
This manual is designed primarily for Ministry of Transportation and Highways Development approvals staff involved in the subdivision application process.
Published by the Ministry of Transportation and Highways, 1993.

Guide For Approving Officers
This guide is designed for approving officers. It provides information on how to evaluate different types of subdivision applications.
Published by the Municipal Officers' Association, May, 1994.

APPENDIX 1

MINISTRY / COMMISSION CONTACTS

APPENDIX 1

MINISTRY / COMMISSION CONTACTS

(September, 1996)

This list provides the names and telephone numbers of MAFF and ALC staff designated to assist approving officers. The contacts are listed by regional district. The primary contact is listed first, followed by a back-up contact (if there is one). In some instances, the regional districts are further divided by east, west or north, south. There may also be separate MAFF contacts for incorporated areas within a regional district.

Regional District	**MAFF**		**ALC**	
Alberni - Clayoquot	Gary Rolston	334-1239	Roger Cheetham Martin Collins	660-7020 775-2536
Bulkley Nechako	Dave Riendeau (West) Denise McLean	847-7246 567-6311	Roger Cheetham Brenda Felker	660-7020 660-7015
	Denise McLean (East) Dave Riendeau			
Capital	Michael Betts	656-0941	Roger Cheetham Martin Collins	660-7020 775-2536
Cariboo	Peter Fofonoff (South) Ken Awmack	398-4500	Roger Cheetham Sherry Sumpton	660-7020 660-7011
	Sandra Latin (North) Peter Fofonoff	992-4241		
Central Coast	Peter Fofonoff Ken Awmack	398-4500	Marion Jamieson Brenda Felker	660-7006 660-7015
Central Kootenay	Richard Hallman Don Low	428-3255	Marion Jamieson Brenda Felker	660-7006 660-7015
Central Okanagan	Helmut Arndt Mike Sanders	861-7211	Tony Pellett Ross Blackwell	660-7021 660-7017
Columbia Shuswap	Brian Harper Peter Falsetta	832-1630 371-6050	Tony Pellett Ross Blackwell	660-7021 660-7017
Comox Strathcona	Gary Rolston	334-1239	Roger Cheetham Martin Collins	660-7020 775-2536
Cowichan Valley	Wayne Haddow	746-1210	Roger Cheetham Martin Collins	660-7020 775-2536
East Kootenay	Don Low Richard Hallman	428-3255	Marion Jamieson Brenda Felker	660-7006 660-7015
Fort Nelson - Liard	Tom Pittman Allan Blair	787-3240	Marion Jamieson Brenda Felker	660-7006 660-7015
Fraser Fort George	Jim Tingle Terry Dever	953-2501 953-2512	Roger Cheetham Sherry Sumpton	660-7020 660-7011
Fraser Valley	Bill Weismiller Annette Moore	795-8395 556-3079	Bruce Gunn Alena Straka	660-7019 660-7014
Greater Vancouver	Dave Melnychuk Wayne Odermatt	556-3048 576-5600	Bruce Gunn Alena Straka	660-7019 660-7014

APPENDIX 1

MINISTRY / COMMISSION CONTACTS *(con't)*

(July, 1996)

Regional District	MAFF		ALC	
Kitimat Stikine	Dave Riendeau Terry Dever	847-7246 953-2512	Marion Jamieson Brenda Felker	660-7006 660-7015
Kootenay Boundary	Richard Hallman Don Low	428-3255	Marion Jamieson Brenda Felker	660-7006 660-7015
Mount Waddington	Gary Rolston	334-1239	Roger Cheetham Martin Collins	660-7020 775-2536
Nanaimo	Wayne Haddow	746-1210	Roger Cheetham Martin Collins	660-7020 775-2536
North Okanagan	Kevin Murphy John Price	260-3000	Tony Pellett Ross Blackwell	660-7021 660-7017
Okanagan Similkameen	Peter Waterman John Parsons	492-1320 498-6235	Tony Pellett Ross Blackwell	660-7021 660-7017
Peace River	Tom Pittman (Nouth) Allan Blair	787-3240	Marion Jamieson Brenda Felker	660-7006 660-7015
	Jim Forbes (South) Allan Blair	784-2225 787-3240		
Powell River	Gary Rolston	334-1239	Marion Jamieson Martin Collins	660-7006 775-2536
Skeena Queen Charlotte	Dave Riendeau Terry Dever	847-7246 953-2512	Marion Jamieson Brenda Felker	660-7006 660-7015
Squamish Lillooet	Marney James	556-3058	Tony Pellet Alena Straka	660-7021 660-7014
Lillooet	Al Oliver Graham Strachan	371-6050		
Sunshine Coast	Ron Charles	556-3082	Marion Jamieson Alena Straka	660-7006 660-7014
Thompson Nicola	Graham Strachan Al Oliver	371-6050	Tony Pellett Sherry Sumpton	660-7021 660-7011

APPENDIX 2

SAMPLE COVENANT

APPENDIX 2

SAMPLE COVENANT

Note:

The sample draft form of covenant has been prepared for the purpose of providing Approving Officers with suggested wording (which must be used with discretion and may or may not apply to the specific circumstances before the Approving Officer) to address buffering and separation issues. It is provided as a suggestion for convenience only and is not purported to be definitive. Furthermore, the Provincial Agricultural Land Commission is not giving legal advice in providing draft covenants. Approving Officers should modify the covenant to suit the specific circumstances of a subdivision and must consult their solicitors for final wording and advice.

Consultation with MAFF and adjacent farmers may be necessary before deciding on the appropriate type of buffering required.

Four versions of the draft form of covenant are provided.

Example (a) is based on situations where buffering will require planting of vegetation and fencing based on specifications detailed in the Landscaped Buffer Specifications published by the Provincial Agricultural Land Commission.

Example (b) is the same as Example (a) but with a mortgage provision.

Example (c) is based on situations where existing vegetation is to be retained for purposes of a buffer. It also provides alternative wording for instances where both existing and new vegetative screening are required for buffering or separation purposes.

Example (d) is the same as Example (c) but with a mortgage provision.

LAND TITLE ACT

Example (a)

FORM C

(Section 219.81)

Province of British Columbia

GENERAL INSTRUMENT - PART 1 *(This area for Land Title Office use)* PAGE 1 of 8 PAGES

1. APPLICATION: *(Name, address, phone number and signature of applicant, applicant's solicitor or agent)*

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	*(LEGAL DESCRIPTION)*
See schedule	

3. NATURE OF INTEREST:*

DESCRIPTION	*DOCUMENT REFERENCE (page and paragraph)*	*PERSON ENTITLED TO INTEREST*
Section 215 Restrictive Covenant	Entire Document	Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms ____ *D.F. No.*

(b) Express Charge Terms _X_ Annexed as Part 2

(c) Release ____ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

6. TRANSFEREE(S): *(including postal address(es) and postal code(s))**

7. ADDITIONAL OR MODIFIED TERMS:*

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	**Execution Date** Y M D	**Party(ies) Signature(s)**

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

FORM D
EXECUTIONS CONTINUED

OFFICER SIGNATURE(S)	EXECUTION DATE (Y/M/D)	PART(IES) SIGNATURE(S)
_____ Solicitor/Notary Public	___/___/___	_____ by its authorized signatories _____ (name) _____ (name)
_____ Solicitor/Notary Public	___/___/___	_____ by its authorized signatories _____ (name) _____ (name)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

FORM E
SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

2. **PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:**

(PARCEL IDENTIFIER) **(LEGAL DESCRIPTION)**

TERMS OF INSTRUMENT - PART 2

WHEREAS:

A. The Transferor is the registered and beneficial owner of certain lands and premises set forth in the schedule attached hereto as Form E (the "Lands");

B. The Transferor wishes to subdivide the Lands by depositing in the Land Title Office a subdivision plan (the "Subdivision Plan"), a true copy of which is attached hereto as Schedule •;

C. The Transferor has agreed to execute and deliver this restrictive covenant pursuant to section 215 of the Land Title Act in favour of the Transferee.

THEREFORE in consideration of the premises and of the sum of one dollar ($1.00) of lawful money of Canada, now paid by the Transferee to the Transferor, the receipt of which is hereby acknowledged, and other good and valuable consideration, the parties covenant and agree as follows:

1. The Transferor forthwith after the execution of this Instrument at the Transferor's sole cost shall construct, install, plant and establish a buffer (the "Buffer") on that portion of the Lands (the "Buffer Area") shown hatched on the reference plan prepared by • B.C.L.S. dated • and deposited in the • Land Title Office under plan number • , a copy of which is annexed hereto as Schedule • , to screen and provide a physical separation between the Lands and the adjoining lands located [*insert north, south, east, west boundary or other appropriate description*] to the Lands (the "Adjoining Lands") *[which are in an agricultural land reserve **OR** upon which farming or agricultural activities are being conducted - use the appropriate description].*

2. The Buffer shall be of the type designated as [*A.1, A.2, A.3, A.4, A.5 and A.6 - insert appropriate buffer type*] in Schedule A: Buffer Types to the Provincial Agricultural Land Commission Landscaped Buffer Specifications of March 1993, as amended from time to time (the "Landscaped Buffer Specifications"), and shall in all other respects comply with the requirements set out in the

Landscaped Buffer Specifications. All fences constructed within the Buffer Area shall be of the type designated as [*D.1, D.2, D.3, D.4, D.5, D.6 and D.7 - insert appropriate fence type*] in Schedule D: Fencing Specifications of the Landscaped Buffer Specifications and shall be constructed and installed in accordance with the specifications for the applicable type of fence.

Note: *(1) Where there is a body of water (slough, creek, river, lake, pond or drainage ditch) either existing or planned wording may have to be added to incorporate reference to that body of water. Please consult your solicitor.*

(2) If the Buffer Types set out in the Landscaped Buffer Specifications are not appropriate in any particular circumstance, you may wish to provide specific details of the Buffer required. The Ministry of Agriculture, Fisheries and Food may be able to assist in such circumstances. Please have your solicitor draft the appropriate wording.

3. The Transferor, at the Transferor's sole cost, shall maintain, trim, prune, thin, clear, repair and, where necessary or desirable, plant or replace any trees, shrubs, plants, bushes, ground cover, vegetation or any other form of plant life and any fences, berms, stakes, guy wires or other works or improvements in the Buffer Area or comprising the Buffer in order to maintain the Buffer as an effective separation between the Lands and the Adjoining Lands.

4. Without limiting the provisions of section 3, the Transferor, at the Transferor's sole cost, shall forthwith after a written demand by the Transferee do such maintenance, trimming, pruning, thinning, clearing, repair, planting or replacing and shall do such other things or perform such other work as the Transferee shall require in the written demand in order to maintain the Buffer as an effective separation between the Lands and the Adjoining Lands.

5. If the Transferor fails or refuses to do any of the things required under sections 1, 2 and 3 or fails or refuses to do any thing or perform any work required in a written demand under section 4, the Transferee may, but shall not be obligated to, do or perform such thing or work and may for that purpose, without giving notice to the Transferor, enter on the Lands and the Buffer Area with such personnel, equipment, machinery and materials as may be necessary or desirable. The costs incurred

by the Transferee in doing such things or performing such work shall be a debt due to the Transferee by the Transferor and the Transferor shall forthwith upon written request from the Transferee pay to the Transferee the costs incurred by the Transferee.

6. The Transferor shall not do or permit to be done anything on the Buffer Area which will interfere with the effectiveness of the Buffer in providing separation between the Lands and the Adjoining Lands and for greater certainty, but without in any way limiting the generality of the foregoing, the Transferor shall not construct, erect, instal, build or place any building, structure, erection, fixture or improvement on the Buffer Area, except for any fencing required under this Instrument, and shall not permit the Buffer Area to be used for any purpose whatsoever except for providing the Buffer to provide separation between the Lands and the Adjoining Lands without the prior written consent of the Transferor, which consent may be arbitrarily withheld.

7. The covenants in this Instrument shall be covenants running with the Lands and shall be binding on the successors in title and assignees of the Lands.

8. None of the covenants herein shall be personal or binding upon the Transferor, save and except during the Transferor's seisin or ownership of any interest in the Lands.

9. The Transferor covenants with the Transferee that the Transferor has done no acts to charge or encumber the Lands, save the charges or encumbrances set forth in Schedule • attached hereto.

10. The Transferor will, upon the request of the Transferee, make, do, execute or cause to be made, done or executed, all such further and other lawful acts, deeds, documents and assurances whatsoever as may be necessary or desirable for the better and more perfect and absolute performance of the grants, covenants, provisos and agreements in this Instrument.

11. This Instrument shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.

12. Words importing the male gender include the female gender and either includes the neuter and vice versa and words importing the singular number include the plural number and vice versa.

Schedule •

Subdivision Plan

This is the second schedule to a certain Instrument dated for reference the • date of •, 19•, made between • and • .

END OF DOCUMENT

[NOTE: if this is not the last schedule, place the words "END OF DOCUMENT" at the end of the last schedule.]

LAND TITLE ACT

Example (b)

FORM C

(Section 219.81)

Province of British Columbia

GENERAL INSTRUMENT - PART 1 *(This area for Land Title Office use)* PAGE 1 of 8 PAGES

1. APPLICATION: *(Name, address, phone number and signature of applicant, applicant's solicitor or agent)*

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*
(PID) *(LEGAL DESCRIPTION)*

See schedule

3. NATURE OF INTEREST:*

DESCRIPTION	*DOCUMENT REFERENCE* (page and paragraph)	*PERSON ENTITLED TO INTEREST*
Section 215 Restrictive Covenant	Entire Document	Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms ____ *D.F. No.*
(b) Express Charge Terms X Annexed as Part 2
(c) Release ____ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

6. TRANSFEREE(S): *(including postal address(es) and postal code(s))**

7. ADDITIONAL OR MODIFIED TERMS:*

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	**Execution Date** Y M D	**Party(ies) Signature(s)**

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" attach schedule in Form E.
** If space insufficient, continue executions on additional page(s) in Form D.

FORM D
EXECUTIONS CONTINUED

OFFICER SIGNATURE(S)	EXECUTION DATE (Y/M/D)	PART(IES) SIGNATURE(S)
_____ Solicitor/Notary Public signatories	___/___/___	_____ by its authorized _____ (name) _____ (name)
_____ Solicitor/Notary Public signatories	___/___/___	_____ by its authorized _____ (name) _____ (name)
_____ Solicitor/Notary Public signatories	___/___/___	[Mortgagee]_____ by its authorized _____ (name) _____ (name)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

FORM E
SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

(PARCEL IDENTIFIER) (LEGAL DESCRIPTION)

TERMS OF INSTRUMENT - PART 2

WHEREAS:

A. The Transferor is the registered and beneficial owner of certain lands and premises set forth in the schedule attached hereto as Form E (the "Lands");

B. The Transferor wishes to subdivide the Lands by depositing in the Land Title Office a subdivision plan (the "Subdivision Plan"), a true copy of which is attached hereto as Schedule •;

C. The Transferor and the Mortgagee have agreed to execute and deliver this restrictive covenant pursuant to section 215 of the Land Title Act in favour of the Transferee.

THEREFORE in consideration of the premises and of the sum of one dollar ($1.00) of lawful money of Canada, now paid by the Transferee to the Transferor and the Mortgagee, the receipt of which is hereby acknowledged, and other good and valuable consideration, the parties covenant and agree as follows:

1. The Transferor forthwith after the execution of this Instrument at the Transferor's sole cost shall construct, install, plant and establish a buffer (the "Buffer") on that portion of the Lands (the "Buffer Area") shown hatched on the reference plan prepared by • B.C.L.S. dated • and deposited in the • Land Title Office under plan number • , a copy of which is annexed hereto as Schedule • , to screen and provide a physical separation between the Lands and the adjoining lands located [*insert north, south, east, west boundary or other appropriate description*] to the Lands (the "Adjoining Lands") *[which are in an agricultural land reserve* ***OR*** *upon which farming or agricultural activities are being conducted - use the appropriate description].*

2. The Buffer shall be of the type designated as [*A.1, A.2, A.3, A.4, A.5 and A.6 - insert appropriate buffer type*] in Schedule A: Buffer Types to the Provincial Agricultural Land

Commission Landscaped Buffer Specifications of March 1993, as amended from time to time (the "Landscaped Buffer Specifications"), and shall in all other respects comply with the requirements set out in the Landscaped Buffer Specifications. All fences constructed within the Buffer Area shall be of the type designated as [*D.1, D.2, D.3, D.4, D.5, D.6 and D.7 - insert appropriate fence type*] in Schedule D: Fencing Specifications of the Landscaped Buffer Specifications and shall be constructed and installed in accordance with the specifications for the applicable type of fence.

Note:(1) Where there is a body of water (slough, creek, river, lake, pond or drainage ditch) either existing or planned wording may have to be added to incorporate reference to that body of water. Please consult your solicitor.

(2) If the Buffer Types set out in the Landscaped Buffer Specifications are not appropriate in any particular circumstance, you may wish to provide specific details of the Buffer required. The Ministry of Agriculture, Fisheries and Food may be able to assist in such circumstances. Please have your solicitor draft the appropriate wording.

3. The Transferor, at the Transferor's sole cost, shall maintain, trim, prune, thin, clear, repair and, where necessary or desirable, plant or replace any trees, shrubs, plants, bushes, ground cover, vegetation or any other form of plant life and any fences, berms, stakes, guy wires or other works or improvements in the Buffer Area or comprising the Buffer in order to maintain the Buffer as an effective separation between the Lands and the Adjoining Lands.

4. Without limiting the provisions of section 3, the Transferor, at the Transferor's sole cost, shall forthwith after a written demand by the Transferee do such maintenance, trimming, pruning, thinning, clearing, repair, planting or replacing and shall do such other things or perform such other work as the Transferee shall require in the written demand in order to maintain the Buffer as an effective separation between the uses on the Lands and the Adjoining Lands.

5. If the Transferor fails or refuses to do any of the things required under sections 1, 2 and 3 or fails or refuses to do any thing or perform any work required in a written demand under section 4, the Transferee may, but shall not be obligated to, do or perform such thing or work and may for that purpose, without giving notice to the Transferor, enter on the Lands and the Buffer Area with such personnel, equipment, machinery and materials as may be necessary or desirable. The costs incurred by the Transferee in doing such things or performing such work shall be a debt due to the Transferee by the Transferor and the Transferor shall forthwith upon written request from the Transferee pay to the Transferee the costs incurred by the Transferee.

6. The Transferor shall not do or permit to be done anything on the Buffer Area which will interfere with the effectiveness of the Buffer in providing separation between the Lands and the Adjoining Lands and for greater certainty, but without in any way limiting the generality of the foregoing, the Transferor shall not construct, erect, instal, build or place any building, structure, erection, fixture or improvement on the Buffer Area, except for any fencing required under this Instrument, and shall not permit the Buffer Area to be used for any purpose whatsoever except for providing the Buffer to provide separation between the Lands and the Adjoining Lands without the prior written consent of the Transferor, which consent may be arbitrarily withheld.

7. The covenants in this Instrument shall be covenants running with the Lands and shall be binding on the successors in title and assignees of the Lands.

8. None of the covenants herein shall be personal or binding upon the Transferor, save and except during the Transferor's seisin or ownership of any interest in the Lands.

9. The Transferor covenants with the Transferee that the Transferor has done no acts to charge or encumber the Lands, save the charges or encumbrances set forth in Schedule • attached hereto.

10. The Mortgagee as mortgagee of the Lands by virtue of that certain mortgage (the "Mortgage") registered against the Lands in the Land Title Office mentioned above on • under number • joins herein for the purpose of consenting to the covenants given by the Transferor to the Transferee, and further the Mortgagee hereby grants to the Transferee, in respect of this Instrument and such covenants, priority over the interests of the Mortgagee in the Lands by virtue of the Mortgage and hereby postpones the Mortgage and all the Mortgagee's right, title and interest thereunder in and to the Lands with the intent that the interests of the Mortgagee in the Lands shall be wholly subject to the rights and interests of the Transferee under this Instrument to the same effect and extent as if this Instrument had been dated, executed, delivered and registered before the Mortgage.

11. The Transferor and the Mortgagee will, upon the request of the Transferee, make, do, execute or cause to be made, done or executed, all such further and other lawful acts, deeds, documents and assurances whatsoever as may be necessary or desirable for the better and more perfect and absolute performance of the grants, covenants, provisos and agreements in this Instrument.

12. This Instrument shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.

13. Words importing the male gender include the female gender and either includes the neuter and vice versa and words importing the singular number include the plural number and vice versa.

Schedule •

Subdivision Plan

This is the second schedule to a certain Instrument dated for reference the • date of •, 19•, made between • and • .

END OF DOCUMENT

[NOTE: if this is not the last schedule, place the words "END OF DOCUMENT" at the end of the last schedule.]

LAND TITLE ACT

Example (c)

FORM C

(Section 219.81)

Province of British Columbia

GENERAL INSTRUMENT - PART 1 *(This area for Land Title Office use)* PAGE 1 of 9 PAGES

1. APPLICATION: *(Name, address, phone number and signature of applicant, applicant's solicitor or agent)*

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	*(LEGAL DESCRIPTION)*
See schedule	

3. NATURE OF INTEREST:*

DESCRIPTION	*DOCUMENT REFERENCE (page and paragraph)*	*PERSON ENTITLED TO INTEREST*
Section 215 Restrictive Covenant	Entire Document	Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a)	Filed Standard Charge Terms	____ *D.F. No.*
(b)	Express Charge Terms	_X_ Annexed as Part 2
(c)	Release	____ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

6. TRANSFEREE(S): *(including postal address(es) and postal code(s))**

7. ADDITIONAL OR MODIFIED TERMS:*

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	**Execution Date** Y M D	**Party(ies) Signature(s)**

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

FORM D
EXECUTIONS CONTINUED

OFFICER SIGNATURE(S)	EXECUTION DATE (Y/M/D)	PART(IES) SIGNATURE(S)
_____ Solicitor/Notary Public	___/___/___	_____ by its authorized signatories _____ (name) _____ (name)
_____ Solicitor/Notary Public	___/___/___	_____ by its authorized signatories _____ (name) _____ (name)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

FORM E
SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

2. **PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:**

(PARCEL IDENTIFIER) **(LEGAL DESCRIPTION)**

TERMS OF INSTRUMENT - PART 2

WHEREAS:

A. The Transferor is the registered and beneficial owner of certain lands and premises set forth in the schedule attached hereto as Form E (the "Lands");

B. The Transferor wishes to subdivide the Lands by depositing in the Land Title Office a subdivision plan (the "Subdivision Plan"), a true copy of which is attached hereto as Schedule •;

C. The Transferor has agreed to execute and deliver this restrictive covenant pursuant to section 215 of the Land Title Act in favour of the Transferee.

THEREFORE in consideration of the premises and of the sum of one dollar ($1.00) of lawful money of Canada, now paid by the Transferee to the Transferor, the receipt of which is hereby acknowledged, and other good and valuable consideration, the parties covenant and agree as follows:

Alternative 1:

If there is existing vegetation on the Lands that will suffice for the purposes of a Buffer, the following wording may be utilized:

1. The Transferor shall not without the prior written consent of the Transferee, which consent may be arbitrarily withheld, cut down, trim, prune, defoliate, clear, alter, remove or in any way tamper with or work on any trees, shrubs, plants, bushes, ground cover, vegetation or any other form of plant life within the Buffer Area so that the trees, shrubs, plants, bushes, ground cover, vegetation or other forms of plant life remain in a naturally vegetated state as an effective separation in perpetuity between the Lands and the adjoining lands located [*insert north, south, east, west boundary or other appropriate description*] to the Lands (the "Adjoining Lands") *[which are in an agricultural land*

*reserve **OR** upon which farming or agricultural activities are being conducted - use the appropriate description].*

Note: *Where there is a body of water (slough, creek, river, lake, pond or drainage ditch) either existing or planned wording may have to be added to incorporate reference to that body of water. Please consult your solicitor.*

Alternative 2:

If the Buffer is to comprise a mixture of existing vegetation and new vegetation, the wording will have to be tailored to the specific facts. For example, as follows:

[1.] The Transferor forthwith after the execution of this Instrument, at the Transferor's sole cost, shall establish a buffer (the "Buffer") on that portion of the Lands (the "Buffer Area") shown hatched on the reference plan prepared by • B.C.L.S. dated • and deposited in the • Land Title Office under plan number • , a copy of which is annexed hereto as Schedule • , to screen and provide a physical separation between the Lands and the adjoining lands located [*insert north, south, east, west boundary or other description*] to the Lands (the "Adjoining Lands") which are in an agricultural land reserve or upon which farming or agricultural activities are being conducted.

2. The Buffer shall consists of such of the existing trees, shrubs, plants, bushes, ground cover, vegetation or any other form of plant life within the Buffer Area as designated by the Transferor *[or if appropriate, the designated vegetation may be described in this clause]* and the Transferor shall install, plant and establish, in addition, such additional trees, shrubs, plants, bushes, ground cover, vegetation or other forms of plant life and any fences, berms, stakes, guy wires or other works and improvements* as may be necessary in order to establish a Buffer of the type designated as [*A.1, A.2, A.3, A.4, A.5 and A.6 - insert appropriate buffer type*] in Schedule A: Buffer Types to the Provincial Agricultural Land Commission Landscaped Buffer Specifications of March 1993, as amended from

time to time (the "Landscaped Buffer Specifications"), and shall in all other respects comply with the requirements of the Landscaped Buffer Specifications.

*Note: *As an alternative, the covenant could specifically require certain specific additional types of trees, shrubs, plants, bushes, ground cover, vegetation or other forms of plant life and fences, berms, stakes, guy wires or other works and improvements to be included in order to satisfy the buffering requirement. If fences are to be included, please see the wording in Example (a). Please have your solicitor draft the appropriate wording.*

3. The Transferor, at the Transferor's sole cost, shall maintain, trim, prune, thin, clear, repair and, where necessary or desirable, plant or replace any trees, shrubs, plants, bushes, ground cover, vegetation or any other form of plant life and any fences, berms, stakes, guy wires or other works or improvements in the Buffer Area or comprising the Buffer in order to maintain the Buffer as an effective separation between the Lands and the Adjoining Lands.

4. Without limiting the provisions of section 3, the Transferor, at the Transferor's sole cost, shall forthwith after a written demand by the Transferee do such maintenance, trimming, pruning, thinning, clearing, repair, planting or replacing and shall do such other things or perform such other work as the Transferee shall require in the written demand in order to maintain the Buffer as an effective separation between the uses on the Lands and the agricultural and farming uses on the Adjoining Lands.

5. If the Transferor fails or refuses to do any of the things required under sections 1, 2 and 3 or fails or refuses to do any thing or perform any work required in a written demand under section 4, the Transferee may, but shall not be obligated to, do or perform such thing or work and may for that purpose, without giving notice to the Transferor, enter on the Lands and the Buffer Area with such personnel, equipment, machinery and materials as may be necessary or desirable. The costs incurred by the Transferee in doing such things or performing such work shall be a debt due to the Transferee by the Transferor and the Transferor shall forthwith upon written request from the Transferee pay to the Transferee the costs incurred by the Transferee.

6. The Transferor shall not do or permit to be done anything on the Buffer Area which will interfere with the effectiveness of the Buffer in providing separation between the Lands and the Adjoining Lands and for greater certainty, but without in any way limiting the generality of the foregoing, the Transferor shall not construct, erect, instal, build or place any building, structure, erection, fixture or improvement on the Buffer Area, except for any fencing required under this Instrument, and shall not permit the Buffer Area to be used for any purpose whatsoever except for providing the Buffer to provide separation between the Lands and the Adjoining Lands without the prior written consent of the Transferor, which consent may be arbitrarily withheld.

7. The covenants in this Instrument shall be covenants running with the Lands and shall be binding on the successors in title and assignees of the Lands.

8. None of the covenants herein shall be personal or binding upon the Transferor, save and except during the Transferor's seisin or ownership of any interest in the Lands.

9. The Transferor covenants with the Transferee that the Transferor has done no acts to charge or encumber the Lands, save the charges or encumbrances set forth in Schedule • attached hereto.

10. The Transferor will, upon the request of the Transferee, make, do, execute or cause to be made, done or executed, all such further and other lawful acts, deeds, documents and assurances whatsoever as may be necessary or desirable for the better and more perfect and absolute performance of the grants, covenants, provisos and agreements in this Instrument.

11. This Instrument shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.

12. Words importing the male gender include the female gender and either includes the neuter and vice versa and words importing the singular number include the plural number and vice versa.

Schedule •

Subdivision Plan

This is the second schedule to a certain Instrument dated for reference the • date of •, 19•, made between • and • .

END OF DOCUMENT

[NOTE: if this is not the last schedule, place the words "END OF DOCUMENT" at the end of the last schedule.]

LAND TITLE ACT

Example (d)

FORM C

(Section 219.81)

Province of British Columbia

GENERAL INSTRUMENT - PART 1 *(This area for Land Title Office use)* PAGE 1 of 9 PAGES

1. APPLICATION: *(Name, address, phone number and signature of applicant, applicant's solicitor or agent)*

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	*(LEGAL DESCRIPTION)*
See schedule	

3. NATURE OF INTEREST:*

DESCRIPTION	*DOCUMENT REFERENCE (page and paragraph)*	*PERSON ENTITLED TO INTEREST*
Section 215 Restrictive Covenant	Entire Document	Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a)	Filed Standard Charge Terms	____ *D.F. No.*
(b)	Express Charge Terms	_X_ Annexed as Part 2
(c)	Release	____ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

6. TRANSFEREE(S): *(including postal address(es) and postal code(s))**

7. ADDITIONAL OR MODIFIED TERMS:*

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	**Execution Date** Y M D	**Party(ies) Signature(s)**

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

FORM D
EXECUTIONS CONTINUED

OFFICER SIGNATURE(S)	EXECUTION DATE (Y/M/D)	PART(IES) SIGNATURE(S)
_____ Solicitor/Notary Public	___/___/___	_____ by its authorized signatories _____ (name) _____ (name)
_____ Solicitor/Notary Public	___/___/___	_____ by its authorized signatories _____ (name) _____ (name)
_____ Solicitor/Notary Public	___/___/___	[Mortgagee]_____ by its authorized signatories _____ (name) _____ (name)

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

FORM E
SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

2. **PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:**

(PARCEL IDENTIFIER) **(LEGAL DESCRIPTION)**

TERMS OF INSTRUMENT - PART 2

WHEREAS:

A. The Transferor is the registered and beneficial owner of certain lands and premises set forth in the schedule attached hereto as Form E (the "Lands");

B. The Transferor wishes to subdivide the Lands by depositing in the Land Title Office a subdivision plan (the "Subdivision Plan"), a true copy of which is attached hereto as Schedule • ;

C. The Transferor and the Mortgagee have agreed to execute and deliver this restrictive covenant pursuant to section 215 of the Land Title Act in favour of the Transferee.

THEREFORE in consideration of the premises and of the sum of one dollar ($1.00) of lawful money of Canada, now paid by the Transferee to the Transferor and the Mortgagee, the receipt of which is hereby acknowledged, and other good and valuable consideration, the parties covenant and agree as follows:

Alternative 1:

If there is existing vegetation on the Lands that will suffice for the purposes of a Buffer, the following wording may be utilized:

1. The Transferor shall not without the prior written consent of the Transferee, which consent may be arbitrarily withheld, cut down, trim, prune, defoliate, clear, alter, remove or in any way tamper with or work on any trees, shrubs, plants, bushes, ground cover, vegetation or any other form of plant life within the Buffer Area so that the trees, shrubs, plants, bushes, ground cover, vegetation or other forms of plant life remain in a naturally vegetated state as an effective separation in perpetuity between the Lands and the adjoining lands located [*insert north, south, east, west boundary or other appropriate description*] to the Lands (the "Adjoining Lands") *[which are in an agricultural land*

*reserve **OR** upon which farming or agricultural activities are being conducted - use the appropriate description].*

Note: Where there is a body of water (slough, creek, river, lake, pond or drainage ditch) either existing or planned wording may have to be added to incorporate reference to that body of water. Please consult your solicitor.

Alternative 2:

If the Buffer is to comprise a mixture of existing vegetation and new vegetation, the wording will have to be tailored to the specific facts. For example, as follows:

[1.] The Transferor forthwith after the execution of this Instrument, at the Transferor's sole cost, shall establish a buffer (the "Buffer") on that portion of the Lands (the "Buffer Area") shown hatched on the reference plan prepared by • B.C.L.S. dated • and deposited in the • Land Title Office under plan number • , a copy of which is annexed hereto as Schedule • , to screen and provide a physical separation between the Lands and the adjoining lands located [*insert north, south, east, west boundary or other description*] to the Lands (the "Adjoining Lands") which are in an agricultural land reserve or upon which farming or agricultural activities are being conducted.

2. The Buffer shall consists of such of the existing trees, shrubs, plants, bushes, ground cover, vegetation or any other form of plant life within the Buffer Area as designated by the Transferor *for if appropriate, the designated vegetation may be described in this clause]* and the Transferor shall install, plant and establish, in addition, such additional trees, shrubs, plants, bushes, ground cover, vegetation or other forms of plant life and any fences, berms, stakes, guy wires or other works and improvements* as may be necessary in order to establish a Buffer of the type designated as [*A.1, A.2, A.3, A.4, A.5 and A.6 - insert appropriate buffer type*] in Schedule A: Buffer Types to the Provincial Agricultural Land Commission Landscaped Buffer Specifications of March 1993, as amended from

time to time (the "Landscaped Buffer Specifications"), and shall in all other respects comply with the requirements of the Landscaped Buffer Specifications.

*Note: *As an alternative, the covenant could specifically require certain specific additional types of trees, shrubs, plants, bushes, ground cover, vegetation or other forms of plant life and fences, berms, stakes, guy wires or other works and improvements to be included in order to satisfy the buffering requirement. If fences are to be included, please see the wording in Example (a). Please have your solicitor draft the appropriate wording.*

3. The Transferor, at the Transferor's sole cost, shall maintain, trim, prune, thin, clear, repair and, where necessary or desirable, plant or replace any trees, shrubs, plants, bushes, ground cover vegetation or any other form of plant life and any fences, berms, stakes, guy wires or other works or improvements in the Buffer Area or comprising the Buffer in order to maintain the Buffer as an effective separation between the Lands and the Adjoining Lands.

4. Without limiting the provisions of section 3, the Transferor, at the Transferor's sole cost, shall forthwith after a written demand by the Transferee do such maintenance, trimming, pruning, thinning, clearing, repair, planting or replacing and shall do such other things or perform such other work as the Transferee shall require in the written demand in order to maintain the Buffer as an effective separation between the Lands and the Adjoining Lands.

5. If the Transferor fails or refuses to do any of the things required under sections 1, 2 and 3 or fails or refuses to do any thing or perform any work required in a written demand under section 4, the Transferee may, but shall not be obligated to, do or perform such thing or work and may for that purpose, without giving notice to the Transferor, enter on the Lands and the Buffer Area with such personnel, equipment, machinery and materials as may be necessary or desirable. The costs incurred by the Transferee in doing such things or performing such work shall be a debt due to the Transferee by the Transferor and the Transferor shall forthwith upon written request from the Transferee pay to the Transferee the costs incurred by the Transferee.

6. The Transferor shall not do or permit to be done anything on the Buffer Area which will interfere with the effectiveness of the Buffer in providing separation between the Lands and the Adjoining Lands and for greater certainty, but without in any way limiting the generality of the foregoing, the Transferor shall not construct, erect, instal, build or place any building, structure, erection, fixture or improvement on the Buffer Area, except for any fencing required under this Instrument, and shall not permit the Buffer Area to be used for any purpose whatsoever except for providing the Buffer to provide separation between the Lands and the Adjoining Lands without the prior written consent of the Transferor, which consent may be arbitrarily withheld.

7. The covenants in this Instrument shall be covenants running with the Lands and shall be binding on the successors in title and assignees of the Lands.

8. None of the covenants herein shall be personal or binding upon the Transferor, save and except during the Transferor's seisin or ownership of any interest in the Lands.

9. The Transferor covenants with the Transferee that the Transferor has done no acts to charge or encumber the Lands, save the charges or encumbrances set forth in Schedule • attached hereto.

10. The Mortgagee as mortgagee of the Lands by virtue of that certain mortgage (the "Mortgage") registered against the Lands in the Land Title Office mentioned above on • under number • joins herein for the purpose of consenting to the covenants given by the Transferor to the Transferee, and further the Mortgagee hereby grants to the Transferee, in respect of this Instrument and such covenants, priority over the interests of the Mortgagee in the Lands by virtue of the Mortgage and hereby postpones the Mortgage and all the Mortgagee's right, title and interest thereunder in and to the Lands with the intent that the interests of the Mortgagee in the Lands shall be wholly subject to the rights and interests of the Transferee under this Instrument to the same effect and extent as if this Instrument had been dated, executed, delivered and registered before the Mortgage.

11. The Transferor and the Mortgagee will, upon the request of the Transferee, make, do, execute or cause to be made, done or executed, all such further and other lawful acts, deeds, documents and assurances whatsoever as may be necessary or desirable for the better and more perfect and absolute performance of the grants, covenants, provisos and agreements in this Instrument.

12. This Instrument shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns.

13. Words importing the male gender include the female gender and either includes the neuter and vice versa and words importing the singular number include the plural number and vice versa.

Schedule •

Subdivision Plan

This is the second schedule to a certain Instrument dated for reference the • date of •, 19•, made between • and • .

END OF DOCUMENT

[NOTE: if this is not the last schedule, place the words "END OF DOCUMENT" at the end of the last schedule.]